## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

GARY G. CAMPBELL,	) 3:13-cv-00627-LRH-WGC
Plaintiff,	) <u>MINUTES OF PROCEEDINGS</u>
vs.	) April 9, 2015
HEATHER GARCIA,	) )
Defendant.	) ) )
PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE	
DEPUTY CLERK: Katie Lynn Ogden	REPORTER: FTR
COUNSEL FOR PLAINTIFF: Bryan Carpenter, Esq.	
COUNSEL FOR DEFENDANTS: Michael A. Pintar, Esq.	

## **MINUTES OF PROCEEDINGS: Motion Hearing**

10:01 a.m. Court convenes.

The court holds today's hearing to address Defendant's motion to strike and preclude Dr. Michael Song, Plaintiff's expert witness, from testifying at trial (Doc. # 54). Defendant contends that Dr. Song's report fails to comply with Fed. R. Civ. P 26(a)(2)(B).

At the outset, the court indicates the parties, particularly the Defendant who is making this motion, did not conduct a meet and confer conference regarding Dr. Song's report as is required by LR 26-7(b).

The parties argue their respective positions regarding Dr. Song's report and whether certain restrictions should be enforced as to Dr. Song's anticipated testimony during trial or if his testimony should be precluded all together.

The court further discusses with Defendant's counsel the specific deficiencies he asserts regarding Dr. Song's report. The court agrees with counsel that Dr. Song's report lacks specificity as to plaintiff Gary Campbell's pre-existing medical conditions prior to the accident of September 11, 2011, and Dr. Song's opinions about the reasonableness of the medical expenses.

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After hearing from counsel, the court directs the parties to first conduct a meet and confer session to address the deficiencies of Mr. Song's report. Defendant's counsel shall identify the deficiencies within Mr. Song's report and provide that list in writing to Plaintiff's counsel within five (5) days of today's date, or no later than Tuesday, April 14, 2015. Thereafter, Plaintiff's counsel shall provide Defendant's counsel with a supplemental report from Dr. Song within twenty-one (21) days from receipt of the list of identified deficiencies, or no later than Tuesday, May 5, 2015.

Additionally, the court finds it reasonable that Defendant, after receiving the supplemental report from Dr. Song, may have interest designating a rebuttal expert. Therefore, Defendant's counsel, if desired to do so, shall designate a rebuttal witness within thirty (30) days of receipt of Mr. Song's supplemental report.

The court encourages the parties to resolve this dispute between themselves; however, should the parties need the court's intervention, counsel are directed to contact Ms. Ogden to schedule an expedited hearing.

In view of the discussions had today and the court's order herein, Defendant's Motion to Strike Dr. Michael Song (Doc. # 54) is **DENIED without prejudice**.

The court next addresses its order (Doc. # 57) entered March 6, 2015, which has vacated the dispositive motions and joint pretrial order deadlines. The court notes, with the exception of the current discovery dispute, the deadlines associated with the anticipated supplemental report from Dr. Song and the possibility of a rebuttal expert deadline, discovery in this matter is closed. The court then reestablishes the following two deadlines:

Disopsitive motion(s): Tuesday, June 30, 2015, and

<u>Joint Pretrial Order</u>: Friday, July 31, 2015 - unless, in the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the court.

IT IS SO ORDERED.

10:30 a.m. Court convenes.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk

<sup>&</sup>lt;sup>1</sup> Counsel advises the court that there is also pending deposition of a responding law enforcement officer that needs to be complete.